THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :27318 of 2007

DATED:20-12-2007

BETWEEN:

Kotikala Joshi & 4 others.

..... PETITIONERS

AND

The District Collector,
Guntur & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioners as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners seek a writ of mandamus directing the respondents herein not to dispossess the petitioners from the lands of an extent of Ac.2.68 cents in Sy.No.516/2; Ac.2.52 cents in Sy.No.516/6 and 516/4; Ac.2.37 cents in Sy.No.516/4; Ac.2.86 cents in Sy.Bnos.519/1, 519/2 and 519/3; Ac.2.87 cents in Sy.Nos.519/1, 519/2, 519/3 respectively situated at Chowdavaram village, Guntur Rural mandal, Guntur District pending disposal of the appeal along with the stay application filed by them against the order passed by the 3rd respondent vide proceedings Rc.No.412/2007-D, dated 20-04-2007, by declaring the action of the 2nd respondent in not passing any order to protect his interest i.e., for grant of stay of the orders passed by the 3rd respondent vide proceedings Rc.No.412/2007, dated 20-04-2007, as illegal and arbitrary.

3. It is the case of the petitioners that as against the order passed by the 3rd respondent-Tahsildar, Guntur Rural Mandal in Rc.412/2007-D, dated 20-04-2007, resuming the lands of an extent of Ac.13.42 cents in various survey numbers situated at Chowdavaram village, Guntur District, they filed an earlier Writ

Petition No.10136 of 2007 and this Court by order, dated 10-07-2007, disposed of the same permitting the petitioners to file an appeal within ten days from the date of receipt of the said order and if any appeal is filed before the appellate authority-Revenue Divisional Officer, the Revenue Divisional Officer was directed to pass appropriate orders and *status quo* obtaining as on 10-07-2007 with regard to possession was directed to be maintained, and at the same time, petitioners were also directed not to create any third party rights nor transfer or alienate the said land. It is stated that appeal has been filed on 20-07-2007 within the statutory period i.e., within ninety days from the date of the original order under Section 4-A of the A.P.Assigned Lands (Prohibition of Transfers) Act. It is further stated that the appellate authority has not taken up the appeal and in the meanwhile, 3rd respondent is taking steps to dispossess the petitioners. Hence, the present Writ Petition.

4. I am of the opinion that as long as appeals are pending *status quo* as granted by this Court while disposing of the W.P.No.10136 of 2007, dated 10-07-2007, should be maintained.

5. Having regard to the facts and circumstances of the case, 2nd respondent-Revenue Divisional Officer, Guntur is directed to consider and dispose of the appeal filed on 20-07-2007 filed against the order of the 3rd respondent, dated 20-04-2007, and pending disposal of the appeal *status quo,* obtaining as on 10-07-2007, with regard to possession shall be maintained.

6. Accordingly, Writ Petition is disposed of. No order as to costs.

V.ESWARAIAH,J

20th December, 2007.
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